

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

May 19, 2021

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels:

Plaintiffs with pending claims against Al Rajhi Bank ("ARB"), write in response to ARB's May 17, 2021 letter (ECF No. 6811) requesting oral argument on ARB's Rule 72's Objections to Magistrate Judge Netburn's March 26, 2021 Opinion and Order (ECF No. 6681).

Plaintiffs respectfully submit that oral argument is unwarranted and unlikely to aid the Court. Judge Netburn's March 26, 2021 Order deferring any determination as to ARB's Rule 12(b) Motion to Dismiss, until after completion of the jurisdictional discovery mandated by the Second Circuit Court of Appeals, presented a well-reasoned and straightforward application of controlling Supreme Court and Second Circuit precedent. Contrary to ARB's claim, the Order was not dispositive in any way, and is therefore subject to review solely for clear error of law. ARB has presented no error of law at all, much less a clear error.

Scheduling oral argument would likely delay resolution of ARB's Rule 72 Objections, and needlessly consume important resources of the parties and Court at a critical stage in the MDL. Discovery as to ARB pursuant to the Second Circuit's mandate and ruling and Judge Netburn's March 26, 2021 Order is ongoing already, under the management of Judge Netburn. ARB's Objections should be denied, and the parties should focus their energies on completing jurisdictional discovery as expeditiously as possible.

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Counsel for Plaintiffs will of course be available for any hearing the Court sets, for this or any other purpose.

Respectfully submitted,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "Sean P. Carter", with a stylized flourish at the end.

By: Sean P. Carter

SPC:k

cc: The Honorable Sarah Netburn (Via ECF)
All Counsel of Record (Via ECF)

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